CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

FEBRUARY 1, 2011

INVOCATION:
Lt. Paul Swain of the Salvation Army gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Patino led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Fire Chief Jones, Director of Public Works/City Engineer Whitehead, Director of Utilities Sweet, Police Chief Macagni, Planning Division Manager Woods, Director of Recreation and Parks Posada, Director of Administrative Services Visé, and Chief Deputy City Clerk Perez.

PRESENTATION:
David Wales, Regional ICE Chief from the Ventura Office, thanked the Council for the opportunity to discuss Immigration and Customs Enforcement (ICE). ICE is the principal investigative arm of the U.S. Department of Homeland Security and the second largest investigative agency in the Federal Government. Created in 2003, ICE has more than 20,000 employees and more than 400 offices in the United States and in 46 foreign countries. ICE's primary mission is to promote homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration. The agency has two principal operating components: homeland security investigations and the enforcement and removal operations office. The ICE Homeland Security Investigations (HSI) directorate is a critical asset in the ICE mission responsible for investigating a wide-range of domestic and international activities arising from the illegal movement of people and goods into, within, and out of the United States. HSI investigates immigration crime, human rights violations, human smuggling, smuggling of narcotics, weapons and other types of contraband, financial crimes, cyber crimes, and export enforcement issues. ICE special agents conduct investigations aimed at protecting critical infrastructure and industries that are vulnerable to sabotage, attack, or exploitation. In addition to ICE criminal investigations, HSI oversees the Agency's international affairs, operations and intelligence functions. HSI consists of more than 10,000 employees including 6,700 special agents who are assigned to more than 200 cities throughout the United States and 46 countries. In June 2010, ICE issued its strategic plan which lays out how ICE will most effectively meet its responsibilities for criminal investigation and civil immigration enforcement over the next five years. The plan details four key priorities for the Agency's future: prevent terrorism and enhance security; protect the borders against illicit trade, travel and finance; protect the borders through smart interior enforcement; and construct an efficient and effective agency. ICE cannot do this alone with its current resources. He encouraged anyone with information about criminal activity or suspected criminal activity to contact their local Police Department or the ICE tip line. Reporting crime gives the public an opportunity to be part of the solution to these social concerns.

Mayor Lavagnino asked if ICE was out looking for the person selling tamales or someone who is here illegally working in the fields but doesn't have a criminal record.

Mr. Wales stated ICE's main focus was investigation of criminal organizations involved with criminal activity. They have neither the time, resources, or inclination to go after folks that are simply in the Country illegally and not actively involved in criminal activity.

Mayor Lavagnino stated the City regularly conducts DUI checkpoints. A lot of the time, people who are stopped at these checkpoints are illegal immigrants. So as long as a person is not a repeat criminal, ICE is not interested in them?

Mr. Wales stated ICE was not working the DUI checkpoints or actively seeking those unlicensed drivers that may or may not be in the Country illegally. It is a very involved process to determine one's immigration status. Once those people go into the penal system, the enforcement and removal operation would conduct an interview of that person if they suspect that they are foreign born. At that point, they will make a determination as to the person's status in this Country and take the appropriate action.

Councilmember Cordero asked if an officer pulled a person over for any infraction and suspected that they may be illegal, was there any current provisions or mechanisms for the Police Department and ICE to start interactions at that point?

Mr. Wales replied no, there was not. Probably thousands of times daily Police Officers may have questions concerning someone's immigration status; however, those officers don't delve into that because of the complexities of the immigration system. It was not until a person becomes incarcerated that they would come into contact with some of the ICE officers who go to the jails on a regular basis. We do not have anything in place to respond to a local officer's short detention for the purpose of issuing a citation. If there is something criminal going on that warrants an ICE investigation, then they will work with the Santa Maria Police Department to investigate.

Councilmember Cordero stated there are some people that feel the City has the ability to enforce immigration violations. He asked if there was anything in the law that gave City officials the legal ability to actively enforce immigration laws?

Mr. Wales stated there is a training process that local departments could go through in order to have the ability to enforce immigration laws. Typically, it was Sheriffs' Departments that went through the training, and they were at the jails or institutions where they would be working in concert with an ICE officer at that facility.

Councilmember Patino stated the Council has received testimony at these meetings that in Santa Barbara County and Ventura County, ICE has collaborated with the Sheriff's Department or local Police Departments in DUI checkpoints. She asked if that was accurate. She also asked if there were cities in California that have had the training.

Mr. Wales stated his office had not participated in any DUI checkpoints whatsoever. He could not speak for the enforcement and removal operation side of ICE which he did not oversee. There have been agencies in the greater Los Angeles area that received the 287(g) training.

Mayor Lavagnino thanked Mr. Wales for attending the meeting and answering their questions.

PUBLIC COMMENT

Fran Former, Executive Director of the Community Action Commission, thanked the Council for sending representation to the CAC Board of Directors, especially Hilda Zacarías. She talked about CAC's accomplishments last year. She acknowledged Marty Mariscal, Peter Lopez, and Hilda Zacarías for their service on the Board. As a board member, Hilda was supportive of CAC and its programs. Her inclusive, warm manner always made everyone feel valued. She represented the City well and ensured that CAC staff did the very best job they could. Of special note was the part Hilda played in the development and success of the Volunteer Income Tax Assistance (VITA) program that has helped so many people. She presented Hilda Zacarías with a proclamation.

Joan Leon, League of Women Voters, stated February 14th would be the anniversary of the founding of the League of Women Voters in 1920. In advance of the 19th Amendment to the Constitution being passed, a group of women, who wanted to be informed voters, created the League of Women Voters. The League is a nonpartisan political organization. They never support or oppose candidates. The local chapter would be celebrating the anniversary with a presentation of League accomplishments in the display case at the Santa Maria Public Library.

CONSENT CALENDAR
Councilmember Cordero requested Item 3E be pulled for comment.

Item 3E – Aware and Prepare Grant Award
Councilmember Cordero stated this is the kind of thing the City is preparing for, to give people training, information, and education to prepare for a disaster. It is the responsibility of each and every citizen to look into some of these things. He asked how the public would be made aware of these programs.

Fire Chief Jones stated the Aware and Prepare Program was started last year with a $215,000 grant award. This grant would allow the Fire Department to extend the Program for one additional year. The City currently has a public outreach program to get the word out. They use media, electronic media, the Recreation and Parks Department newsletter, press releases, and presentations at various civic groups. The City is partnering with Allan Hancock College and the City of Guadalupe to do a more regional outreach approach.

Councilmember Orach stated he understood that the telephone system would also be used to alert people of pending disasters.

Chief Jones explained that the Connect CTY system was already in place and was another way to get the word out.

Consent Calendar Items 3A through 3G were approved on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of January 18, 2011, were approved as submitted.

C. WARRANTS
Warrant Nos. 163799 to 164060 totaling $2,955,498.36 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 154809, 155153, 155751, 155935, 159157, 162978, 163195, 163391, 163711, and 163958 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. AWARE AND PREPARE GRANT
Resolution No. 2011-13 was adopted accepting an Aware and Prepare grant award and authorizing the City Manager to sign grant documents and the Director of Administrative Services to receive and appropriate the funds awarded through this grant.

Resolution No. 2011-13 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ACCEPTANCE OF FUNDS FOR AN AWARE AND PREPARE GRANT.

F. SUMMARY VACATION OF EASEMENT
Resolution No. 2011-14 was adopted abandoning a portion of the sewer and public utilities easement at 2966, 2976, and 2996 Industrial Parkway.

Resolution No. 2011-14 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, SUMMARILY VACATING AN EASEMENT FOR SEWER AND PUBLIC UTILITIES, PURSUANT TO STREETS & HIGHWAY CODE, PART 3, CHAPTER 4, §8333 (b and c).

G. CALL FOR BIDS
The City Council gave approval to call for bids on the plans and specifications for West Stowell Road Widening, Bid No. 2011/05, along the frontage of City-owned property located at 1687 West Stowell Road.

CALL FOR BIDS FOR NORTHEAST FIRE STATION #5.
Director of Public Works/City Engineer Whitehead gave the staff report. The City Council is requested to give approval to call for bids on the plans and specifications for Bid No. 2011/06, the Northeast Fire Station #5, located at the intersection of Donovan Road and Suey Crossing Road, 1670 E. Donovan Road. The northern area of the City is presently served by Fire Station #3 which is located at the southwest corner of College Drive and Donovan Road. Fire Station #3 is proposed to move to the Preisker Park area. The City of Santa Maria updated its Standards of Cover Study in March 2000. This study identified the importance of rapid response to the preservation of life and property within the City. The establishment of the new Fire Stations #3 and #5 will provide an improvement in response times.

In 2009, the City was awarded $4,368,907 in grant funds from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) for the construction of two new fire stations. Included in this funding is a grant secured from the Assistance to Firefighters Fire Station Construction Grant Program which is authorized by the American Reinvestment and Recovery Act of 2009.

This project consists of the construction of a 6,579 square foot fire station. It will include 3,079 square feet of living space and 3,500 square feet of apparatus space, including a work and storage area, and all the work necessary to render the facility complete and operational. Bids are proposed to be opened on March 8, 2011, with City Council awarding the bid on April 5, 2011. Construction is expected to take approximately one year. However, Fire Station #5 will require additional staffing and increased annual operational budget impacts of approximately $1.6 million beginning July 2012. Options will need to be explored for creating new revenues and may include enacting a local sales tax override, a property tax assessment, or a utility tax. These options would require a vote of the people and would need to be considered for the 2012 June Primary or November General Election.

Mayor Lavagnino stated with these two fire stations open, the Fire Department will be able 94 percent of the time to get to an incident within 5 minutes. He thanked staff for finding the money to build these two new stations.

Joan Leon, Santa Maria Community Coalition, commended the City for acquiring grant funding to build the two new fire stations without any bonded indebtedness. However, there was not enough money in the budget to staff the new fire station. She quoted from the staff report regarding the lack of revenue to staff and operate Fire Station #5. Currently, NHIS revenue was paying for Police and Fire personnel. That revenue source was not assured to continue long term. The current budget allocates $967,720 to outside agencies from the Transient Occupancy Tax. Instead of raising taxes on City

residents, the Council should free up the transient occupancy tax. The Council has the responsibility to use the revenue in the best interest of the public, and public safety should come first.

Approval to call for bids on Fire Station #5, Bid No. 2011/06, was granted on motion by Councilmember Orach, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

CITY MANAGER'S REPORT
City Manager Ness reported on items anticipated for the February 15, 2011, City Council meeting including appointments to the All-America City Committee and the Landmark Committee, a Federal Stimulus funding update, the Quarterly Financial Report, and amendments to and an extension of the Firefighters Association, Local 2020, Memorandum of Understanding.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Boysen reported he attended the League of California Cities New Mayors and Councilmembers Institute in Sacramento. He reminded the Council and the City that he would be participating in the Northern Santa Barbara County homeless count in late February and early March. He invited other Councilmembers to be involved. He also attended the neighborhood meeting for Rancho Hermosa, Supervisor Joe Centeno's retirement dinner, the Employee Appreciation Dinner, and his first meeting of the Multi-jurisdictional Solid Waste Task Force.

Councilmember Patino reported she also attended the New Mayors and Councilmembers Institute in Sacramento, the Employee Appreciation Dinner, a Peace Week meeting, and the tree dedication ceremony in honor of former Councilmember Leo Trujillo.

Mayor Lavagnino reported he attended the Fire Appreciation Dinner at the Elks, the Santa Barbara County Association of Governments (SBCAG) meeting, the Air Pollution Control District (APCD) meeting, the Rancho Hermosa neighborhood meeting, the Central Coast Water Authority (CCWA) meeting, the Employee Appreciation Dinner, the MDA Muscle Walk at Preisker Park, the Santa Maria High School Racing Team fundraiser, Supervisor Joe Centeno's retirement party, and former Councilmember Trujillo's Tree Dedication Ceremony. Tomorrow he was going to the San Luis Obispo Council of Governments (SLOCOG) to thank them for the $3 million they allocated for the Santa Maria River Bridge widening project.

Councilmember Orach reported he attended many of the same functions as the other Councilmembers. He announced that the All-America City Committee did not have their neighborhood gathering program on Saturday because of rain. He announced that the Boys Scouts of America, Los Padres Council, would be holding their Scout-O-Rama on Saturday at the Town Center Mall.

Councilmember Cordero reported he attended the Ben Heighes Show, the Fire Appreciation Dinner at the Elks, a United Way meeting, the Boys and Girls Club Annual Dinner, the Chamber of Commerce breakfast at the Fairpark, a meeting at the Elks Club with the Contractors Association, the Employee Appreciation Dinner, the Peace Week Committee meeting, Supervisor Joe Centeno's Retirement Party, and the Solid Waste Multi-Jurisdictional Task Force meeting with Councilmember Boysen.

CLOSED SESSION:
Council recessed to a Closed Session at 7:25 p.m. for Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9. (One potential case)

After the Closed Session, the following report was given:

Conference with Legal Counsel – Anticipated Litigation. Direction to staff was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:05 p.m. by Mayor Lavagnino.

APPROVED

February 15, 2011
Date

Chief Deputy City Clerk and ex officio
Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor